

## **HOW TO APPLY FOR A SPECIAL TREATMENTS PREMISES LICENCE**

### **Who needs to apply for a special treatments premises licence in Barking & Dagenham?**

If you operate premises in the Borough which offer any of the following treatments:

massage, manicure, pedicure, nail extensions, acupuncture, tattooing, body piercing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind such as sun beds, vapour, sauna, or other baths,

then, unless you are subject to one of the exemptions below, you will need to apply for a licence.

### **When is a licence not required?**

You do not need a licence if special treatments are provided in the following circumstances:

- There is no gain or reward – all treatments are provided free of any sort of charge or donation
- Treatments are not provided at premises – for example, mobile service from a vehicle or in clients' own homes
- Treatments are provided by or under the supervision of medical practitioners, dentists, and professions supplementary to medicine in a hospital or nursing home
- Treatments are provided by a person who is a member at the appropriate level of a body of health practitioners approved for exemption by this Council. The current "List of Bodies of Health Practitioners Granted Exemption by The London Special Treatments Group", to which this Council subscribes, is available on the Council's website.

Where a practitioner is exempt under the Act or by approval, they are required to keep current details of their membership of the relevant body at the premises.

### **Health and Safety at Work**

Whether or not a licence is necessary, all businesses must comply with the requirements of the Health and Safety at Work etc. Act 1974 and associated regulations. See Health and Safety Made Simple pages at [www.hse.gov.uk/simple-health-safety/index.htm](http://www.hse.gov.uk/simple-health-safety/index.htm)

### **Do I need planning permission before applying for a licence?**

You will need to check with the Council's Planning Department to confirm whether any planning consent or permission is required.

It is the applicant's responsibility to ensure that the premises have the correct planning consent.

The granting of a special treatments premises licence does not indicate that appropriate planning consent has or will be granted by the Council.

### **Do I need to tell my landlord?**

If you are a tenant, you may need to tell your landlord before you practice treatments in domestic premises. If you are a Council tenant, you will need a letter from Housing Services agreeing to this use of the premises.

### **What conditions will be attached to the licence?**

The [Council's Special Treatments Regulations](#), containing the standard terms and conditions applied to all special treatments premises licences, is available on the Council's website. Additional conditions and/or restrictions may also be applied to a licence if the Council deems them necessary.

### **How do I apply for a special treatments premises licence?**

You must complete an Application for a New Special Treatments Premises Licence form. It is important that all relevant sections of the form are fully completed and that all required documents are provided with the application form. Failure to provide necessary information will delay the processing of your application and may invalidate your application.

A non-refundable application fee must be paid before submission of the form. The licence fee will become payable on approval of the application.

The completed application form must be returned to the Council's Licensing Team with the following:

- A plan/line drawing of the premises,
- practitioner details form(s),
- copies of practitioner qualifications, (an [Accepted Qualifications document](#) is available on the Council's website, which lists all special treatments qualifications deemed acceptable by the Council. A practitioner will not be permitted to provide any special treatment for which they do not hold one of the accepted qualifications unless they either obtain one of the accepted qualifications or are able to demonstrate that the qualification they do hold is equivalent to one of the accepted qualifications.)
- copies of photo ID for all practitioners,
- a photograph of each practitioner
- declaration of convictions for all persons named on application form

Applications for a special treatments premises licence when it is proposed to provide laser and/or intense pulsed light (IPL) treatments must also include a copy of a contract for the services of a Laser Protection Advisor (LPA), who must be certified and registered with either RPA 2000, the Association of Laser Safety Professionals or Public Health England. Evidence that the LPA has visited the premises and undertaken an assessment of its suitability for use for the provision of laser/IPL treatments must also be submitted, as must details of the make, model, serial number and technical specifications of each item of laser or IPL equipment.

A copy of the application form and the drawings of the premises will be sent, by the Council, to:

Fire Safety Regulation North East Area 2, London Fire Brigade, 169 Union Street, London SE1 0LL

A copy of the application form will be sent, by the Council, to:

Metropolitan Police Licensing, Romford Police Station, 19 Main Road, Romford RM1 3BJ

and the Council will specifically enquire whether there is reason to object to any person named in the application.

Where premises have not previously been licensed for special treatments a Public Notice must be displayed at the premises for 28 days. The Notice will also be displayed on the Council's website. The 28 days commences on the date that a valid application is received by the Council or the date the Public Notice is first displayed, whichever is the later.

The Public Notice may be obtained in hard copy from the Council's Licensing Team or downloaded from its website and must be fully completed by the applicant. The Public Notice must be placed in a position where it can easily be seen and read by the public from the outside of the premises. Where premises are secured by roller shutter(s) outside of business hours, the Public Notice must also be displayed on the roller shutter in its closed position.

## Standard of the Premises

Premises must meet statutory standards in respect of health, safety and fire safety. Officers of the Council, Fire Brigade and possibly the Police may visit to check that those standards are being met.

- **The Council's Health and Safety Team** will visit to check that the premises and the proposed provision of special treatments comply with the requirements of the Health and Safety at Work etc Act 1974 and its associated Regulations. You are advised to seek guidance at an early stage if you are in any doubt as to your duties under health and safety law or what is required to ensure that special treatments can be provided at your premises without risks to the health, safety and welfare of members of the public and practitioners. If on inspection the premises are found not to meet the required standards you will have to put matters right before a licence is granted.
- **The Fire Brigade** may visit to ensure that the premises comply with fire safety legislation and may object to the grant of a licence if they find that the premises do not comply. Appropriate action will have to be taken to ensure compliance before a licence will be granted.
- **The Police** may carry out checks on you and all persons concerned with the provision of special treatments at your premises to ensure that no relevant previous convictions or other matters give cause for concern that special treatments may not be provided safely or in accordance with the conditions of a licence.

## Training

You are required to ensure that the practitioners you propose to carry out special treatments at the premises have received appropriate training and are properly qualified to provide those special treatments, including product or equipment specific training provided by the manufacturer or supplier, if applicable.

Practitioners who do not hold accredited qualifications or hold qualifications obtained abroad will need either to undertake a suitable course or apply for a statement of comparability through an organisation such as UK NARIC. [www.naric.org.uk](http://www.naric.org.uk)

## Photo Identification

Photo identification must be submitted for all practitioners proposed to provide the treatments specified on the special treatments premises licence. The accepted forms of photo identification are:

- copy of a valid passport
- copy of a valid photo driving licence

## Right of persons to object to an application for a licence

In addition to the Health and Safety Team, the Police and the Fire Brigade, any member of the public has the right to raise an objection to an application for a special treatments premises licence. The Council must consider any objections made within the 28-day consultation period.

If a valid objection is received, you will be notified of the objection and asked for your response. Where possible, the Licensing Team will attempt to mediate between you and the objector to remove the cause of the objection or facilitate a compromise.

If this is not possible the application for a special treatments premises licence may be refused.

### **Successful application for a licence.**

When an application is deemed satisfactory and either no objection has been raised or any objection has been resolved, the licence will be issued. The licence is granted subject to the Council's Standard Conditions.

In certain circumstances the Council may deem it necessary to impose additional special conditions or restrictions on the grant of a licence. The reasons for the imposition of any additional condition or restriction will be explained to you and you have the option to either accept the licence subject to those additional conditions or to appeal (see below).

It is important that any person granted a licence operates within the conditions imposed on the licence.

It is an offence to provide special treatments at premises under any other circumstances.

### **Refusal of an application.**

An application may be refused on any of the grounds listed in Section 8 of the London Local Authorities Act 1991, namely:

- (a) the premises are not structurally suitable for the purpose;
- (b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which a premise in the vicinity is put;
- (c) the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence;
- (d) the persons giving the special treatment are not suitably qualified;
- (e) the premises have been or are being improperly conducted;
- (f) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
- (g) the means of heating the premises are not safe;
- (h) proper precautions against fire on the premises are not being taken;
- (i) we are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given;
- (j) we are not satisfied as to the safety of the special treatment to be given;
- (k) satisfactory means of escape in case of fire and suitable means of fighting fire are not provided on the premises;
- (l) the applicant has, within the period of five years immediately preceding the application, been convicted of an offence under Part II of the Act; or
- (m) the applicant has failed to comply with the application requirements.

### **Appeals against the refusal of, or the conditions imposed on a licence.**

Any person who is aggrieved that either an application for a licence has been refused or feels that the conditions attached to the licence are unreasonable may appeal to the Magistrates' Court within 21 days of the decision being notified to them by the Council.

### **Further Information**

Should you require any further information, please do not hesitate to contact the Licensing Team.

BY EMAIL [licensing@lbbd.gov.uk](mailto:licensing@lbbd.gov.uk)

For enquiries about **planning consent**, change of use or change to the outside appearance

BY EMAIL [planning@lbbd.gov.uk](mailto:planning@lbbd.gov.uk)

For enquiries about **building control**, in case of structural alterations to the premises

BY EMAIL [buildingcontrol@lbbd.gov.uk](mailto:buildingcontrol@lbbd.gov.uk)

For enquiries about **fire precautions** contact the Fire Brigade

WEBSITE <https://www.gov.uk/workplace-fire-safety-your-responsibilities/>

BY EMAIL [firesafetyregulationne@london-fire.gov.uk](mailto:firesafetyregulationne@london-fire.gov.uk)